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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

) Case No. CR 11-97 RE

) DECLARATION IN SUPPORT OF
UNITED STATES OF AMERICA,) MOTION TO CONTINUE
Plaintiff,) PRETRIAL MOTIONS AND
v.) TRIAL DATE

)

BRANDON LEONARD MAYNARD,

)

Defendant.

)

STATE OF OREGON)
) ss.
County of Multnomah)

I, Priscilla L. Seaborg, first being duly sworn do hereby depose and swear that:

1. I am the attorney for the defendant, having been appointed on June 6, 2011 to

represent Mr. Brandon Leonard Maynard in defense proceedings relating to charges of

Distribution of MDMA in violation of Title 21, United States Code, Sections 841(a)(1) and 841
Page 1 Declaration in Support of Motion to Continue Pretrial Motions and Trial Date

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1 (b)(1)(C). Mr. Maynard requested appointed counsel and was determined by the Court to be
2 indigent and unable to pay for his own defense. Since that time, his financial situation has not
3 changed.

4 2. The date for pretrial motions is currently set for August 30, 2011 and trial is
5 currently set for September 27, 2011.

6 3. In reviewing the discovery for my client, several of the recordings we were
7 provided did not work. After repeated attempts to get these recordings to play, I sent an email to
8 the Assistant United States Attorney, letting him know these did not work and asking for a new
9 copy. I did not receive a new copy or a response to my email. I asked my investigator to attempt
10 to play these recordings, which he was unable to do. He then took the recordings to a recording
11 expert to put them into a different format that could be played, which was accomplished this
12 week. At that time, we discovered that these contained several hours of recordings, which was
13 unexpected, as the recordings that we were able to play were only a few minutes duration each. I
14 require additional time to review these recordings.

15 4. The Assistant United States Attorney, Mr. Kemp Strickland, and I are working
16 towards a possible plea agreement in this matter, and require additional time to complete this
17 process.

18 5. I currently am scheduled to be out of town on a long planned trip from September
19 11-19, 2011. I also have an extensive trial schedule for the month of October. Therefore, I am
20 requesting that trial be continued until October 31, 2011, and the motions deadline be continued
21 to September 23, 2011.

22 5. The Assistant United States Attorney, Mr. Kemp Strickland, does not object to
23 this set over.

6. I informed Mr. Maynard of his right to a speedy trial on August 31, 2011. He understands his right to a speedy trial and waives such right. He has informed me that he is in agreement with any necessary delays that I may need to adequately represent him.

7. Mr. Maynard further requests that the period of time between September 27, 2011
the trial date be excludable in computing the time within which the trial of the offenses in
dictum may commence pursuant to 18 U.S.C. §3161(h)(8)(A) and (B)(iv).

DATED this 2nd day of September 2011.

/s/Priscilla L. Seaborg
Priscilla L. Seaborg, OSB No. 90117
Attorney for Defendant